

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALBERT T. BEANE, JR., and all others
similarly situated,

Plaintiffs,

v.

07 CIV 9444 (RMB)

THE BANK OF NEW YORK MELLON
CORP., BNY CONVERGEX EXECUTION
SOLUTIONS, LLC and CALLAN
ASSOCIATES, INC.,

Defendants.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Thomas A. Arena of Milbank, Tweed, Hadley & McCloy LLP, hereby appears in the above-captioned action as counsel for Defendants Bank of New York Mellon Corp. and BNY Convergenx Execution Solutions, LLC.

Dated: New York, NY
November 30, 2007

MILBANK TWEED HADLEY & MCCLOY LLP

By: s/ Thomas A. Arena

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BNY Convergenx Execution Solutions, LLC*

CERTIFICATE OF FILING

I hereby certify that on November 30, 2007, this Notice of Appearance was filed through the ECF system.

s/ Thomas A. Arena